

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 12, 2007

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: OD98-168

OAHU

Set Aside to the State Department of Transportation, Highways Division for Highway Right-of-Way and Highway Boundary Purposes, Cancellation of Revocable Permit Nos. S-7152, S-7329 and S-7402 and Re-issuance of New Revocable Permits Covering the Remaining Areas and Issuance of a Right-of-Entry for Construction and Construction Staging Area Purposes, Honouliuli, Ewa, East Kapolei, Oahu, Tax Map Keys: (1) 9-1-18: Portions of 3 and 5, and (1) 9-1-17: Portions of 86 and 88

APPLICANT:

State of Hawaii, Department of Transportation, Highways Division (DOT)

LEGAL REFERENCE:

Sections 171-11, 13 and 55, Hawaii Revised Statutes, as amended.

LOCATION:

Portions of the acquired Government land situated at Honouliuli, Ewa, East Kapolei, Oahu, identified by Tax Map Keys: (1) 9-1-18: Portions of 3 and 5, and (1) 9-1-17: Portions of 86 and 88, as shown on the attached maps labeled Exhibit A.

AREA:

Right-of-Way Parcel 2:	6.911 acres, more or less (right-of-entry and set aside).
Boundary 1:	54.03 linear feet, more or less (right-of-entry and set aside).
Construction Parcel C-6:	0.322 acres, more or less (right-of-entry).
Construction Parcel C-8:	2.597 acres, more or less (right-of-entry).
Construction Parcel C-10 (Rev.):	1.311 acres, more or less (right-of-entry).
Construction Parcel C-11:	4.216 acres, more or less (right-of-entry).

ZONING:

State Land Use District:	Urban
City and County of Honolulu CZO:	Agriculture

TRUST LAND STATUS:

Acquired after statehood. Non-trust lands.
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Revocable Permit No. S-7402 issued to Larry Jefts dba Sugarland Farms, Inc. for agricultural purposes encumbers Right-of-Way Parcel 2 (TMK: (1) 9-1-18: Portion 5), Boundary 1 (TMK: (1) 9-1-18: Portion 3), Construction Parcel C-10 Rev. (TMK: (1) 9-1-18: Portion 3) and Construction Parcel C-11 (TMK: (1) 9-1-18: Portion 5).

Revocable Permit No. S-7329 issued to A.M. Enterprises, LLC for agricultural purposes encumbers Construction Parcel C-8 (TMK: (1) 9-1-17: Portion 86).

Revocable Permit No. S-7152 issued to Aloun Farms, Inc. for agricultural purposes encumbers Construction Parcel C-6 (TMK: (1) 9-1-17: Portion 88).

PURPOSE:

Highway right-of-way purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on October 8, 2004 with a finding of no significant impact (FONSI).

APPLICANT REQUIREMENTS:

Applicant shall be required to:

1. Process and obtain subdivision at Applicant's own cost.
2. Provide survey maps and descriptions according to State DAGS standards and at the Applicant's own cost.

REMARKS:

The North-South Road (NS Road) is part of the East Kapolei Master Plan that was prepared by the Housing and Community Development Corporation of Hawaii, presently known as the Hawaii Housing Finance and Development Corporation.

The NS Road is a multiple phased project by DOT that when completed will extend from the Kapolei Parkway to the H-1 Interstate Freeway. Freeway access will be via a new interchange. The NS Road will help relieve traffic congestion on Fort Weaver Road and Barrette Road during peak traffic hours.

The first Phase 1A, which represents approximately 20% the NS Road, is nearing completion. The State lands comprising Phase 1A were approved for set aside to DOT by the Board at its September 24, 2004 meeting, under agenda item D-11.

DOT's subject request covers the State lands that comprise the next Phase 1C of the NS Road. Phase 1C consists of the NS Road right-of-way from Farrington Highway to the H-1 Interstate Freeway and a 54.03-foot boundary portion of TMK: (1) 9-1-18: Portion 3. A governor's executive order setting aside the NS Road right-of-way and boundary land areas under its management jurisdiction and control is being requested by DOT.

In addition to the highway right-of-way and boundary areas, DOT's current request includes four temporary construction staging areas. Initially, all would be covered under a temporary right-of-entry at gratis because it is for a government project.

Funding for the design, acquisition and construction of the NS Road is authorized by Act 328, SLH 1997.

The 15.357 total acres being requested by DOT under this request will affect an equal number of acres currently under the operation of Revocable Permit Nos. S-7152, S-7329 and S-7402 combined. The permittees have always been aware of the fact that their occupancy would be temporary and could continue until planned development of the permit areas was to commence. Since DOT's land needs will affect only portions of the subject revocable permit's premises, their cancellation and re-issuance of new revocable permits covering their respective remaining premises would be in order.

RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

- A. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject highway right-of-way and highway boundary to the State Department of Transportation, Highways Division, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - 1. The standard terms and conditions of the most current executive order form, as may be amended from time to time.
 - 2. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside.
 - 3. Review and approval by the Department of the Attorney General.
 - 4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- B. Approve the cancellation of Revocable Permit Nos. S-7152, S-7359 and S-7402 and re-issue new revocable permits to the permittees covering their respective remaining areas, subject to the following:
 - 1. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time.
 - 2. Review and approval by the Department of the Attorney General.
 - 3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

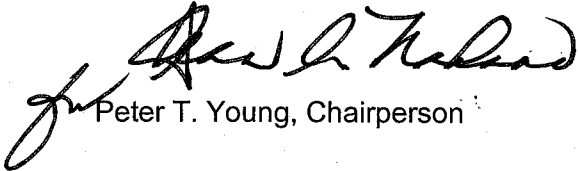
- C. Approve the issuance of a right-of-entry at gratis to the State Department of Transportation, Highways Division, covering the subject highway right-of-way, highway boundary and the four construction parcels for construction and construction staging area purposes, subject to the following:
1. The standard terms and conditions of the most current applicable right-of-entry form, as may be amended from time to time.
 2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



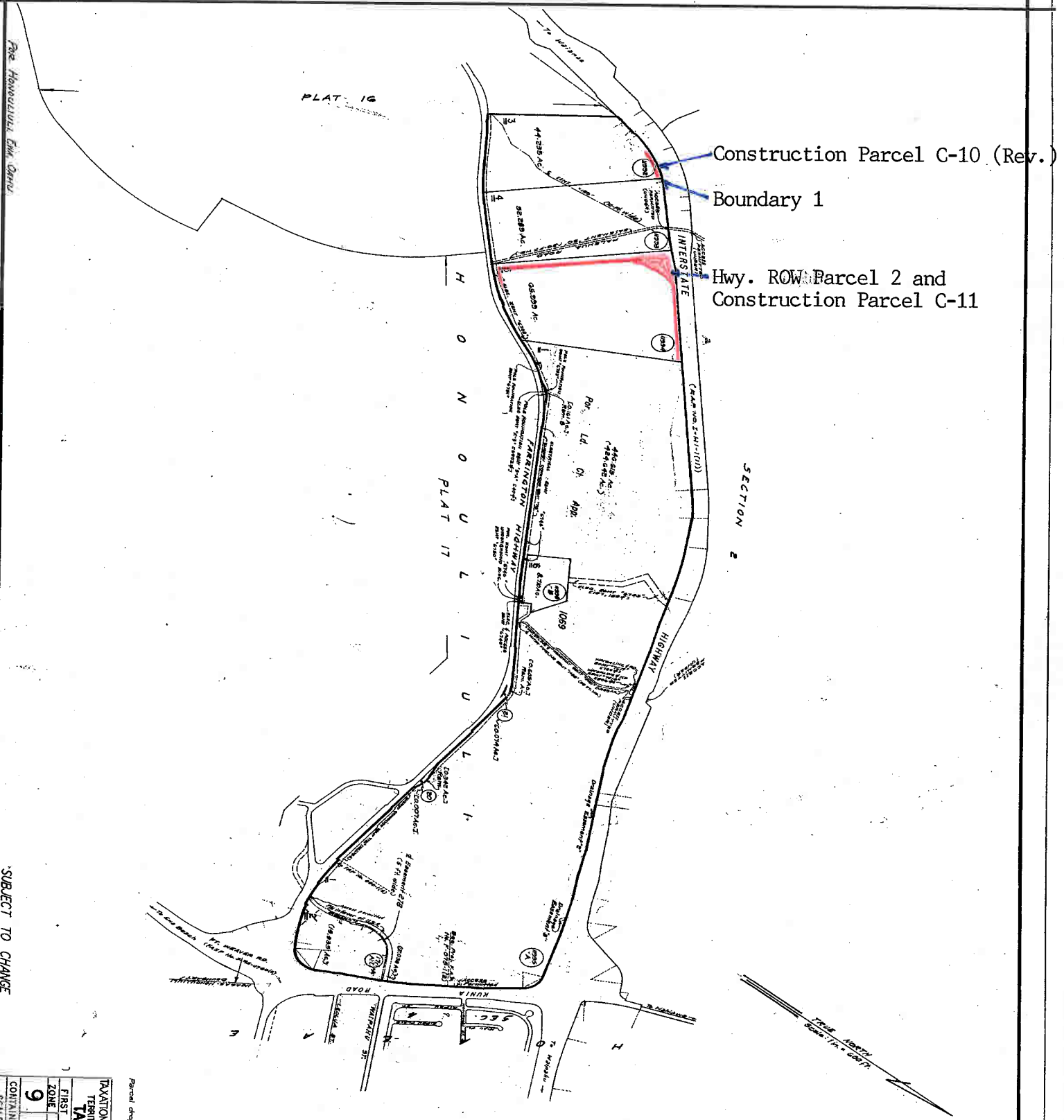
Gary Martin
Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

DWG NO : 3502
Source : Ld. Ct. App. 1962 & T.M.B.
By : R.F.G. & H.D. Jan 8, 1961



SUBJECT TO CHANGE

**TAXATION MAPS BUREAU
TERRITORY OF HAWAII
TAX MAP**

Parcel dropped: \mathcal{E}_j

FIRST DIVISION		
ZONE	SEC.	PLAT
9	1	18

CONTAINING PARCELS

SCALE: 1 in. = 600 ft.

HONOLULU, EWA, OAHU, HAWAII

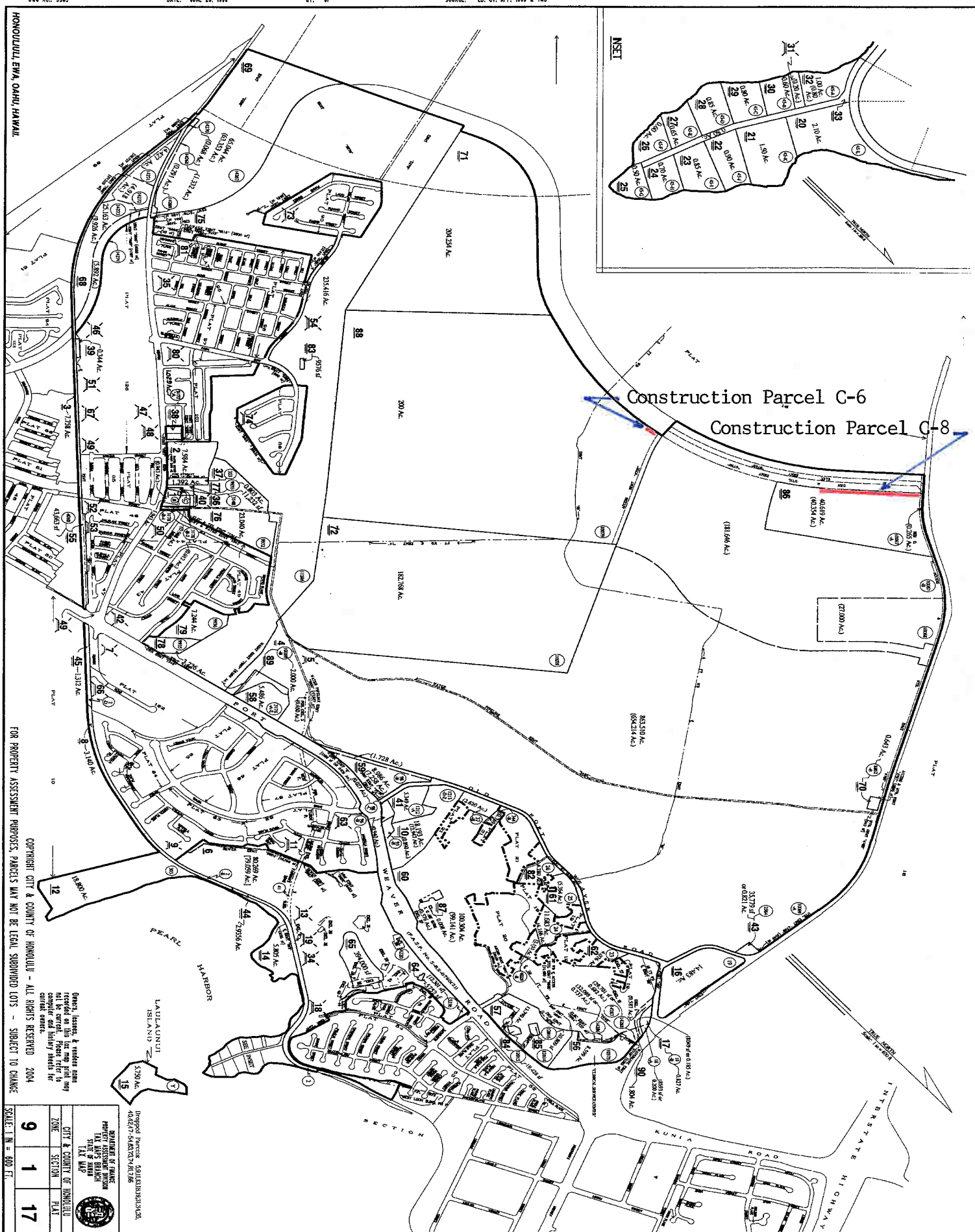


EXHIBIT "A"